



**GOVERNMENT OF SIKKIM
LAW AND PARLIAMENTARY AFFAIRS DEPARTMENT
GANGTOK**

No.10(51)/L&PAD/2022/25

Dated: 19.05.2022.

CIRCULAR

Whereas, in order to streamline process of vetting and examination of various documents, agreement, bills, rules, notification etc. and the process of obtaining legal opinion towards ensuing proper and meaningful examination of the same, the following guidelines are issued, with approval of competent authority, to all Government departments:-

1. Department to forward Draft Bills and subordinate legislations well in advance for vetting with sufficient spacing between lines and also in legible font;
2. Draft Bills forwarded for vetting to be appended with draft of Statement of Objects and Reason, Financial Memorandum and Memorandum regarding delegated Legislation. In case of money bills, recommendation of the Governor, as required under clause (1) of Article 207 of the Constitution, to be appended. All these form part and parcel of a Bill. Without these, Bills are incomplete;
3. If fresh rules are being made under a Central Act, they should be strictly within the rule-making powers of the State Government as authorised under the said Act. If rule is being made under State Act, the rules should be made strictly within the provisions of the Act;
4. If the Act requires that certain things should be prescribed by regulations, same must be carried out through regulations;
5. While agreements is executed for and on behalf of the government, usually agreements are made by or on behalf of the Governor of Sikkim represented by Chief Secretary/Secretaries of respect Departments. If other officers are authorised to execute agreements or contracts on behalf of the government, it should be notified. Government Agreements executed by person other than authorised person will not have legal standing in the court of law;
6. File forwarded seeking opinion may be forward giving sufficient time for proper examination;
7. All Departments shall compulsorily forward the revised bills for final vetting to the Law Department before notifying/publication, to avoid mistakes;
8. All Departments are also required to forward soft copies of final bills vetted by the Law Department as soon as bills are placed before the Sikkim Legislative Assembly to avoid delay in publication of the bill in the Official Gazette; and



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9. The Law Department shall not be responsible, if the concerned department makes any amendments in the final bills vetted by the Law Department, and places the same before the Assembly. Such bills, which have received the assent of the Governor or President of India, shall be published as it is by the Law Department.

All Secretaries/Head of Departments are, therefore, requested to kindly note the above and act accordingly.

By order.


L.R-cum-Secretary,
Law & Parliamentary Affairs Department
Government of Sikkim.

Copy for information:-

✓1. All Secretaries/Heads of Departments,
2. Secretary to HCM,
3. P.S to HM, Law & Parliamentary Affairs,
4. File &
5. Guard file.

